

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

*File # 118652**118652*

FILE: B-207580

DATE: June 11, 1982

MATTER OF: J.B. Steel Company

DIGEST:

GAO does not review bid protests involving Bonneville Power Administration (BPA) procurements since Administrator of BPA has broad discretion in contractual matters so that GAO could not take effective remedial action with respect to BPA procurement actions.

J.B. Steel Company protests the decision by the Bonneville Power Administration (BPA) to reject its bid as nonresponsive. This bid was submitted under invitation for bids No. DE-FB79-82BP3400. For the reasons stated below, we do not review bid protests involving BPA procurements.

The Bonneville Project Act, as amended, 16 U.S.C. §§ 832, et seq. (1976), affords the BPA Administrator extensive discretionary authority to conduct the BPA's contractual affairs as he deems appropriate to promote the BPA interests. Section 832a(f) of title 16 was enacted to free the BPA from procurement regulations and restrictions applicable to agencies conducting more conventional Government business and, thus, enable the Administrator to conduct BPA's business with a freedom similar to that of public corporations. See 46 Comp. Gen. 349 (1966). In light of the Administrator's broad discretion, we have found that we could not take any effective remedial action with respect to BPA's procurement actions and, thus, have consistently declined to review protest of BPA procurements since our review would serve no useful purpose. Burnham & Kohutek Associates, Inc., B-202857, June 25, 1981, 81-1 CPD 530.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel